

Mr. Helder Gil
Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
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Room 5164
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Mr. Gil,

My name is Roger Horowitz and I'm one of two owners of the Pleasant Pops Food Truck and our brick and mortar restaurant: Pleasant Pops Farmhouse Market and Café. I'm a Ward 1 resident and a restaurant owner in Ward 1. Our business currently employs 9 employees 7 of whom are District residents in addition to my business partner and I who are both District residents. We use a District based mechanic, accountant, printer, and many DC based food suppliers. We make our pops using fresh local ingredients and also retail DC made pickles, pies, jams, scones and drinks.

We started Pleasant Pops in the summer of 2010 selling at 1 farmers' market out of a cart and expanded by the fall of 2010 to open our first food truck. We've been operating at farmers' markets and out of our truck for two years and recently opened our first restaurant in Adams Morgan this past September. We've expanded from my partner Brian and I working part time to both of us working full time and now having 9 employees about half of whom are full time employees.

While I'm in favor of the new proposed regulations eliminating the ice cream rule, in general I oppose the new food truck regulations for three main reasons:

1) With these regulations we would not have started our business initially and never could have had the success that we've had so far. These regulations currently proposed would limit food truck vending in almost all of the downtown area due to the language about at least 10 feet wide unobstructed sidewalks. Without that base of customers that we attracted downtown we never would have gotten the money and support to open our restaurant. I realize that the Dept. of Transportation (DDOT) has said that they might make exceptions to this rule which brings me to my second point.

2) These regulations put too much power in the hands of DDOT: by being incredibly vague the regulations leave much regulation up to individual judgment. As a small business owner I have already seen the problems that can occur when individuals who aren't trained fully can have over my business.

My business is a food truck but sells pre-packaged ice pops and falls into the Dept. of Health's pre-packaged category. I've been shut down before by rogue health inspectors who shut my truck down for not having a three compartment sink despite the fact that legally I'm not required too. When I've complained, I've been told that during the weekend the office is closed so I can't sell on the weekend and thus need to appeal to the Dept. the following Monday. I'm very wary of similar problems with DDOT employees

being in charge of enforcing a system with which they are not familiar. Does an orange cone mean an obstructed sidewalk? Or does a parking meter? What about a homeless person? **I would like regulations that very clearly spell out the legality of where I may or may not vend.**

3) These regulations separate my truck from being a normal automobile which creates a lot of confusion and uncertainty. As a small business Pleasant Pops uses the same vehicle for catering, deliveries and mobile vending. With the new regulations in place, my vehicle is designated as a mobile vending vehicle and this means a different set of parking rules than a normal car. I feel that this creates an unfair playing field to my business because we can't afford to have multiple vehicles. If Ben and Jerry's is catering a wedding and the wedding goes long and they get a ticket for an expired meter they would need to pay a \$25 fine. If Pleasant Pops as a small business is catering a wedding we would use our ONLY vehicle and if the wedding goes long we would be forced to pay a \$100 ticket because our vehicle has been designated a "mobile vending vehicle" instead of a catering truck.

As a small business owner I already work a ton and don't make a lot of money but I'm living the American Dream and really enjoy what I do. I have been lucky enough to diversify and these new regulations while they would hurt me financially would probably not force Pleasant Pops to go out of business. Many of the 50 plus food trucks that I know well would not be as lucky with these new regulations. I fear that the new regulations if passed would mean hundreds of DC residents losing their jobs and many DC based small businesses going out of business.

I moved to DC in 2009 when Barack Obama was inaugurated because I wanted to be part of a great, cool city and for me food trucks have been a large part of why DC became a hip place to live. Please don't shut down my industry.

Thanks for taking the time to read this,

Roger Horowitz
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